



#28 Mis. h. re. litigation  
h. n. g. a. -  
4/23/02  
DR. NABIL N. GHALY  
14 Longwood Drive  
S. Huntington, NY 11746  
(631) 549-0980

November 28, 2001

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JAN 17 2002

TECHNOLOGY CENTER R3700

Mr. Michael O'Neil  
Patent Examiner  
Technology Center 3700 receptionist  
Patent and Trademark Office  
Washington, D.C. 20231

Ref.: Application No. 08/962,971

Dear Mr. O'Neil:

Reference is made to our telephone conversations on November 26, 2001.

The litigation related to United States Patent No. 5,286,037 is still pending at the United States District Court, Eastern District of New York. Discovery is complete, and the parties are awaiting the Court's claim construction determination. To date, no decision has been made by the Court related to my infringement claims or concerning defendants' counterclaim for invalidity.

During our telephone conversations, I indicated my desire for the Patent and Trademark Office (PTO) to lift the stay on the prosecution of the subject patent application. You advised me that in view of the fact that the pending litigation includes a counterclaim by defendants for patent invalidity, the PTO would not lift the stay until after the Court rules on the invalidity counterclaim.

Accordingly, it is my understanding, based on our telephone conversations, that the subject application will

remain stayed until after the conclusion of the pending patent litigation.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'Nabil N. Ghaly', written over a horizontal line.

Dr. Nabil N. Ghaly

Certified mail 7000 1670 0013 3572 5155  
Return receipt requested